



Express Mail No.: EV452773015US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brines *et al.*

Confirmation 5119
No.:

Serial No. 09/717,057

Art Unit: 1647

Filed: November 21, 2000

Examiner: DeBerry R.

For: MODULATION OF EXCITABLE TISSUE
 FUNCTION BY PERIPHERALLY
 ADMINISTERED ERYTHROPOIETIN

Attorney Docket: 10165-010-999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 C.F.R. §1.56 and §1.97

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references FA-FB listed on the attached revised form PTO 1449. Copies of references FA-FB are provided herewith.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art". As an alternative, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited".

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Each reference contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement, a copy of which communication is enclosed herewith. As such, according to 37 CFR § 1.97(c), Applicants believe that no fee is due for filing this Supplemental Information Disclosure Statement. However, should a fee be required, please charge the required fee to Jones Day Deposit Account No. 503013. A duplicate copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date: August 16, 2004

Laura A. Coruzzi 30,742
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Enclosure

by: *Joseph P. Cahill* Reg. No. 51,573



LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY DOCKET NO.

10165-010-999

APPLICATION NO

09/717,057

APPLICANT

Brines et al.

FILING DATE

November 21, 2000

GROUP

1647

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
					YES NO

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

FA	Spivak and Hogans, 1989, "The in vivo metabolism of recombinant human erythropoietin in the rat", Blood <u>73</u> :90-99
FB	Wojchowski and Caslake, 1989, "Biotinylated recombinant human erythropoietins: bioactivity and utility as receptor ligand", Blood <u>74</u> :952-958

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.